

## **REMARKS**

The Final Office Action mailed July 6, 2009 has been received and reviewed. Prior to the present communication, claims 1-29 were pending in the subject application. Claims 1-13, 15-25 and 27-29 have been amended herein and claims 14 and 26 have been cancelled. As such, claims 1-13, 15-25 and 27-29 remain pending. Care has been exercised to introduce no new subject matter. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

### **Rejections based on 35 U.S.C. § 103**

#### **A. Applicable Authority**

Title 35 U.S.C. § 103(a) declares that a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying the scope and content of the prior art, the level of ordinary skill in the prior art, the differences between the claimed invention and prior art references, and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

To support a finding of obviousness, the initial burden is on the Office to establish the clear articulation of the reason(s) why the claimed invention would have been obvious. *See* MPEP § 2142. The analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. *See* MPEP § 2143; *See also KSR v. Teleflex*, 127 S. Ct. 1727 (2007). In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether

the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *See* MPEP § 2141.02(I).

B. Rejections Based on Forler in view of Siegel

Claims 1-8, 10-12, 14-26, 28 and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,210,158 to Forler (hereinafter “Forler”) in view of U.S. Publication No. 2002/0143961 to Siegel et al. (hereinafter “Siegel”). Claims 14 and 26 have been canceled by way of the present communication thus rendering the rejections of these claims moot. As Forler in view of Siegel fails to teach or suggest, either expressly or inherently, each and every element as set forth in claims 1-8, 10-12, 15-25, 28 and 29, Applicants respectfully traverse this rejection, as hereinafter set forth.

**Independent claim 1**

Independent claim 1, as amended herein, provides a method for prioritizing user application preferences based on user input data. The method comprises recognizing user input data relevant to a first application as a user choice setting associated with the first application, wherein the user choice setting determines at least one property of execution of at least one event of the first application. The method further comprises securing the user choice setting as a protected value using an access control indicator, wherein the access control indicator prohibits the second application from modifying the user choice setting associated with the first application without authorization from a user. Still further, the method comprises receiving a request from the second application to modify the user choice setting associated with the first application and, in response to receiving the request from the second application to modify the user choice setting associated with the first application, generating an approval user interface requesting authorization from the user to modify the user choice setting associated with the first

application to be consistent with the modification request received from the second application. The method further comprises receiving input from the user approving the modification of the user choice setting associated with the first application to be consistent with the modification request received from the second application modifying the access control indicator to permit modification of the user choice setting associated with the first application to be consistent with the modification request received from the second application, modifying the user choice setting in accordance with the received user input, and restoring the access control indicator to prohibit further modification by the second application of the user choice setting associated with the first application. Each step is executed on a computing device of the user.

As such, independent claim 1 provides a method for securing a user choice setting associated with a *first application* from modification *by a second application*. In contrast, Forler provides a method from preventing *a user* from exploiting a delayed response in a television access security system. *See Forler*, page 6, ll. 39-42. In this way, Forler is distinguished from the invention recited in claim 1 in at least two ways. First, Forler fails to teach or suggest “securing the user choice setting as a protected value using an access control indicator . . . [that] prohibits [a] second application from modifying the user choice setting associated with the first application without authorization *from a user*” (emphasis added). Rather, as discussed above, Forler is directed towards preventing a *user* from exploiting a delayed response in a television access security system. *See id.*

Second, Forler fails to teach or suggest “receiving a request from [a] *second* application to modify [a] user choice setting associated with [a] *first* application,” as recited in amended independent claim 1. Rather, Forler is only concerned with one application, *i.e.*, the protected settings of a television security system. *See Forler*, page 6, ll. 43-50. Further, as

discussed above, Forler is not even concerned with the modification of information pertaining to a first application *by a second application*, as is recited in claim 1. Rather, Forler is concerned with the issue of a *user* (not an application) *circumventing* (not modifying) a television access security system.

Further, Forler fails to teach or suggest “generating an approval user interface requesting authorization from the user to modify the user choice setting associated with [a] first application to be consistent with the modification request received from [a] second application,” as recited in amended independent claim 1. First, Forler generally fails to teach or suggest the use of an approval user interface. Second, in accordance with the discussion set forth above, Forler fails to teach or suggest receiving a request from a second application to modify a user choice setting associated with a first application. Accordingly, Forler also fails to teach or suggest the generation of a user interface to authorize such a modification request.

Consistent with the discussion above, Forler also fails to teach or suggest “modifying [an] access control indicator to permit modification of [a] user choice setting associated with the first application to be consistent with the modification request received from [a] second application,” as recited in amended independent claim 1, as Forler fails to teach or suggest receiving a modification request from a second application. Accordingly, Forler fails to teach or suggest the modification of an access control indicator to permit modification of a user choice setting to be consistent with the modification request of the second application, as recited. Further, it is respectfully submitted that the matters for which Siegel has been relied upon fail to cure the deficiencies set forth above with respect to Forler, nor is Siegel relied upon for teaching such deficiencies.

For at least the above-cited reasons, it is respectfully submitted that Forler in view of Siegel fails to teach or suggest each and every element as set forth in amended independent claim 1. As such, Applicants respectfully submit that claim 1, as amended, overcomes the 35 U.S.C. § 103(a) rejection thereof. Accordingly, Applicants respectfully request the 35 U.S.C. § 103(a) rejection of claim 1 be withdrawn. Each of dependent claims 2-8 and 10-11 depends, either directly or indirectly, from amended independent claim 1 and, accordingly, it is respectfully submitted that these claims are patentable over Forler in view of Siegel for at least the above-cited reasons. As such, withdrawal of the 35 U.S.C. § 103(a) rejection of these claims is respectfully requested as well. Each of claims 1-8 and 10-11 is believed to be in condition for allowance and such favorable action is respectfully requested.

#### **Independent claim 12**

Independent claim 12, as amended herein, recites a system for storing user choice settings in a data repository to prevent undesired modifications thereto. The system comprises a registry for storing a user choice setting associated with a first application as a protected value in a registry key, wherein the user choice setting determines at least one property of execution of at least one event of the first application, and wherein the user choice setting comprises at least one of a user preference relating to a file association, an autoplay setting, contents of a start menu, a registered client, a protocol handler, a MIME type handler, a task association, an internet explorer home page, a reset Web page setting, and a sidebar setting. The system further comprises an access control list (ACL) to secure the registry key, wherein the ACL prevents the first application or another application from modifying the user choice setting associated with the first application and an approval user interface to control modifications to the user choice setting. The approval user interface is generated on a computing device of the user in response to

receiving a request from the first application or another application to modify the user choice setting. Support for amendments to claim 12 may be found at least at page 5, table 1 of the Specification as originally filed.

In contrast, Forler provides a method for preventing *a user* from exploiting a delayed response in a television access security system. *See Forler*, page 6, ll. 39-42. In this way, Forler is distinguished from the present invention in at least two ways. First, Forler fails to teach or suggest a system that includes “an access control list (ACL) to secure [a] registry key, wherein the *ACL prevents the first application or another application* from modifying the user choice setting associated with the first application,” as recited in amended independent claim 12 (emphasis added). Rather, as discussed above, Forler is directed towards preventing a *user* from exploiting a delayed response in a television access security system.

Second, Forler fails to teach or suggest a “user choice setting compris[ing] at least one of a user preference relating to a file association, an autoplay setting, contents of a start menu, a registered client, a protocol handler, a MIME type handler, a task association, an internet explorer home page, a reset web setting, and/or a sidebar setting,” as recited. Rather, Forler is only concerned with the protected settings of a television security system. *See Forler*, page 6, ll. 43-50. Accordingly, Forler fails to provide a user choice setting as described in any of the iterations described in the claimed limitation of the present invention discussed above.

Additionally, Forler fails to describe an “approval user interface [that] is generated on a computing device of the user in response to receiving a request from the first application or another application to modify the user choice setting,” as recited in amended independent claim 12. Initially, Forler fails to teach or suggest the modification of an application from another application, as discussed above. Accordingly, Forler also fails to teach or suggest

the generation of a user interface for approving a modification of one application from another application. Second, Forler fails to present a user with an approval user interface. Rather, when a user tries to circumvent television security system as described in Forler, the result is for the television security system to block the applicable television channel. While a user may unlock the security system, the interface used in Forler is not generated in response to a request from an application. Rather, it is accessed (not generated) by a user (not an application) when a user desires to modify settings of the television security system. Further, it is respectfully submitted that the matters for which Siegel has been taken fail to cure the deficiencies set forth above with respect to Forler, nor is Siegel relied upon for teaching such deficiencies.

For at least the above-cited reasons, it is respectfully submitted that Forler in view of Siegel fails to teach or suggest each and every element as set forth in amended independent claim 21. As such, Applicants respectfully submit that claim 12, as amended, overcomes the 35 U.S.C. § 103(a) rejection thereof. Accordingly, Applicants respectfully request the 35 U.S.C. § 103(a) rejection of claim 12 be withdrawn. Each of dependent claims 15-18 depends, either directly or indirectly, from amended independent claim 12 and, accordingly, it is respectfully submitted that these claims are patentable over Forler in view of Siegel for at least the above-cited reasons. As such, withdrawal of the 35 U.S.C. § 103(a) rejection of these claims is respectfully requested as well. Each of claims 12 and 15-18 is believed to be in condition for allowance and such favorable action is respectfully requested.

## **Independent claim 19**

Independent claim 19, as amended herein, provides a computer-accessible medium having components for performing a method of safely modifying user application preferences for when and how an application is to operate on a computer of a user. The method comprises recognizing user input data relevant to the application as a user choice setting, wherein the user choice setting determines at least one property of execution of at least one event of the application. The method further comprises securing the user choice setting as a protected value using an access control indicator, wherein the access control indicator prohibits the application from modifying the user choice setting. Still further, the method comprises receiving a request from the application to modify the user choice setting; in response to the request from the application to modify the user choice setting, generating an approval user interface requesting authorization from the user to modify the user choice setting in accordance with the modification request received, receiving input from the user approving modification of the user choice setting associated with the application to be consistent with the request received from the application, modifying the access control indicator to permit modification of the user choice setting associated with the application to be consistent with the modification request received, modifying the user choice setting in accordance with the received user input, restoring the access control indicator to prohibit further modification of the user choice setting, and generating a change notification to the user once the user choice setting has been modified. Support for amendments to claim 19 may be found at least at page 4, lines 8-13 of the Specification as originally filed.

In contrast, Forler provides a method for preventing *a user* from exploiting a delayed response in a television access security system. *See Forler*, page 6, ll. 39-42. In this



way, Forler is distinguished from the present invention in at least two ways. First, Forler fails to teach or suggest “receiving a request *from [an] application* to modify [a] user choice setting,” as recited in amended independent claim 19. (emphasis added). Rather, as discussed above, Forler is directed towards preventing a *user* from accessing inappropriate television material. *See id.*

Further, as discussed above, Forler is not even concerned with receiving a request to modify a user choice setting *from an application*. Rather, Forler is concerned with the issue of a *user* (not an application) *circumventing* (not modifying) a television access security system.

Second, Forler fails to teach or suggest “generating a change notification to the user once the protected value has been modified,” as recited in amended independent claim 19. Rather, Forler is only concerned with the protected settings of a television security system. *See Forler*, page 6, ll. 43-50. Accordingly, Forler fails to provide a user choice setting as described in any of the iterations described in the claimed limitation of the present invention discussed above. Further, it is respectfully submitted that the matters for which Siegel has been taken fail to cure the deficiencies set forth above with respect to Forler, nor is Siegel relied upon for teaching such deficiencies.

For at least the above-cited reasons, it is respectfully submitted that Forler in view of Siegel fails to teach or suggest each and every element as set forth in amended independent claim 19. Accordingly, Forler in view of Siegel fails to teach or suggest each limitation of this claim. As such, Applicants respectfully submit that claim 19, as amended, overcomes the 35 U.S.C. § 103(a) rejection thereof. Accordingly, Applicants respectfully request the 35 U.S.C. § 103(a) rejection of claim 19 be withdrawn. Each of dependent claims 20-25, 28, and 29 depends, either directly or indirectly, from amended independent claim 19 and, accordingly, it is respectfully submitted that these claims are patentable over Forler in view of Siegel for at least

the above-cited reasons. As such, withdrawal of the 35 U.S.C. § 103(a) rejection of these claims is respectfully requested as well. Each of claims 19-25, 28, and 29 is believed to be in condition for allowance and such favorable action is respectfully requested.

C. Rejections Based on Forler, Siegel and Giordano

Claims 9, 13 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Forler in view of Siegel, and in further view of U.S. Patent No. 6,370,141 to Giordano, III et al. (hereinafter “Giordano”). As Forler in view of Siegel and in further view of Giordano fails to teach or suggest, either expressly or inherently, each and every element as set forth in the rejected claims, Applicants respectfully traverse this rejection, as hereinafter set forth.

Each of dependent claims 9, 13, and 27 depends, either directly or indirectly, from one of amended independent claims 1, 12, or 19 and, accordingly, it is respectfully submitted that these claims are patentable over Forler in view of Siegel for at least the above-cited reasons. Further, it is respectfully submitted that the matters for which Giordano has been taken fail to cure the deficiencies set forth above with respect to Forler in view of Siegel, nor is Giordano relied upon for teaching such deficiencies. As such, withdrawal of the 35 U.S.C. § 103(a) rejection of these claims is respectfully requested. Each of claims 9, 13, and 27 is believed to be in condition for allowance and such favorable action is respectfully requested.

### **CONCLUSION**

For at least the reasons stated above, claims 1-13, 15-25, and 27-29 are now believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or kadsmith@shb.com (such communication via email is herein expressly granted) – to resolve the same.

The fee for a Request for Continued Examination and One-Month Extension of Time are submitted herewith. It is believed that no additional fee is due. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112, referencing attorney docket number 304666.01/MFCP.143750.

Respectfully submitted,

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